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REVIEWS OF BOOKS

BOOKS OF ANCIENT HISTORY

Les Juifs dans l'Empire Romain: leur Condition Juridique, Économique, Sociale. Par JEAN JUSTER, Docteur en Droit, Avocat à la Cour d'Appel de Paris. In two volumes. (Paris: Paul Geuthner. 1914. Pp. xviii, 510; viii, 338.)

THE magnitude of the task which the author has undertaken in an investigation of the legal, economic, and social condition of the Jews in the Roman Empire down to the reign of Justinian can be appreciated only by those who from investigations of their own in this field know something of the complexity of the problems, the nature of the sources, and the immense and scattered special literature. On a part of the ground he had as a precursor the learned work of Emil Schürer, *Geschichte des Jüdischen Volkes im Zeitalter Jesu Christi* (fourth ed., 1901-1909); but for the whole period and for the side of the history which Juster makes the main end of his research he has no predecessor, and even where he is on the same ground with Schürer he approaches the problems from an entirely different point of view.

The first thing to be said, then, is that we have before us a work of vast erudition and of prodigious labor. The sources are mustered to the last scrap of papyrus from an Egyptian dust-heap. The bibliography professes completeness only on points that have been insufficiently studied, for the rest a critical selection; but the selection is so ample a collection that it would be hard to find anything of consequence to add to it. What is more, it is evident on every page that the author has made use of a great part of the literature whose titles he registers. He brings to his enterprise other qualifications than laborious erudition: an advocate at the bar of the court of appeals in Paris, he is learned in Roman law by profession, and has at the same time a knowledge of Jewish law derived from Talmudic studies; it is this indeed that gives especial value to his study of a subject which has hitherto been investigated almost solely by theologians.

An introduction on a large scale (pp. 1-212) deals with the sources—literary (Jewish, pagan, and Christian), monumental (numismatic, epigraphic, papyri), and juridical—concluding with an excursus on the distribution of the Jews in the empire and their numbers. Under the head of juridical sources there is a thorough discussion of the documents (decrees of the senate, edicts of emperors and provincial officials, referring to the Jews) preserved by Josephus, over the genuineness of some of which and the date of others there has been much controversy; a table on pages 158-159 arranges them in their probable chronological order. The laws concerning the Jews in the jurisconsults and the codes are also enumerated and chronologically ordered (pp. 160 ff.). The

excursus on the Diaspora exhibits the most complete list it is possible to make of the places in the several provinces in which the residence of Jews is attested by authors, inscriptions, or papyri; the evidence itself is given in full at the foot of the page. Of the whole number of Jews in the empire in any century of this period only very uncertain estimates can be made, as Juster is perfectly aware. He is inclined to put the figures, say under Tiberius, at six or seven millions, and at about the same for the beginning of the second century before the decimating wars under Trajan and Hadrian. In this estimate, which is considerably higher than most, he seems not to apply a sufficiently high divisor to the incredible numbers of Josephus, who assembles three million pilgrims in Jerusalem at the Passover and claims for Galilee two hundred cities of above 15,000 population. In allowing Palestine alone more than five million inhabitants Juster is probably giving it much more than its proportion even of his own excessive total, and an impossibly dense population.

Coming then to the body of the work, after a preliminary discussion of the peculiar privileges accorded to the Jews in the exercise of their religion, the reasons for these concessions, and their history, the author takes up the general subject of the legal position of the Jewish communities in the dispersion and of their religion, the policy of the state toward them under the pagan emperors, and the changes in this policy after Constantine. The legislation about Jewish propaganda, conversions to Judaism, circumcision, and—after the church came to control the religious policy of the state—the laws against participation of others than Jews in Jewish worship and festivals, are fully treated. An excursus of some length (pp. 290–337) is devoted to the rival missionary enterprises of Jews and Christians, and particularly to the large Jewish influence—partly imitation, partly antipathy—upon Christian catechesis, creed, and liturgy. The matter is not strictly pertinent, and takes us somewhat far afield into the history and literature of creeds and rites. The author has evidently been much interested in this digression, in which the extent and significance of Jewish influence are, however, much exaggerated.

Returning to the subject with the protection given by the state to Jewish worship, the exemption of the Jews from the worship of the emperors, or, as Juster prefers to put it, the forms of worship they were allowed to substitute for it, claims attention. In this matter the Jews had what we might call the vested rights of a national religion, while the Christians, when they refused to offer sacrifice or burn incense to the ruler, had none. Various other privileges and immunities are enumerated, such as not being cited to appear in court on Sabbaths and festivals, exemption from military service, and the like. The central organization of the Jews in the empire with its head, the patriarch, and his subordinates; the local organization; the Jewish community as a legal person and its rights, its officers, and institutions fill the rest of the first volume.

The second volume deals with the status of the individual Jew in pri-

vate and public law at different periods and in the complex situations arising from diversities of the *status civitatis*, the jurisdiction of Jewish tribunals and the extent of their competence in Palestine and in the dispersion, and conflicts or compromises of jurisdiction between them and the other courts. Under this head the author subjects to analysis and criticism the narratives of the New Testament about the trial of Jesus, Stephen, and James the brother of the Lord, in the light of Jewish law and of the jurisdiction of the Sanhedrin under Roman administration (II. 133 ff). The discussion will doubtless especially interest students of the New Testament. Juster contests the common assumption—based, indeed, on an explicit statement in the Gospel of John (xviii. 31)—that the Sanhedrin had not the power to pronounce and execute the sentence of death under Jewish law in case of religious offenses; and he points out that, if it had not the power to execute the sentence, the procedure would have been to obtain from the procurator a confirmation of the sentence and a warrant to carry it out in their own way; whereas Jesus was brought before Pilate on a political charge, and was condemned and executed as a political offender, without any reference to Jewish law or to a previous trial before the Sanhedrin. The natural inference is that the hearing of Jesus before the high priest and the others whom he summoned was not a trial at all, but was held only for the purpose of framing an accusation to lay before Pilate.

On this point, as on several others, Juster controverts Mommsen. A peculiarly interesting case is the status of the Jews throughout the empire after the suppression of the revolt and the taking of Jerusalem in 70 A.D. Mommsen in his article on "Religionsfrevel nach Römischem Recht" (1890) maintained that after that event the law recognized Judaism only as a foreign religion; the Jewish nation had ceased to exist, and the civil status of all Jews was that of *dediticii*. Most Romanists have adopted Mommsen's opinion, and theologians have naturally deferred to their authority. This thesis Juster combats with arguments from both law and history. It is not for laymen to meddle in a controversy between lawyers, but the fact that Mommsen is constrained to set aside as false the testimony of Josephus that Vespasian and Titus rejected the petitions of the Alexandrians and the Antiochians to deprive the Jews of their rights of citizenship in those cities, and the fact that there is no reference anywhere to the effects of such a radical change of status upon the thousands of Jews who were citizens of Greek cities, permit the historian to doubt whether the whole Jewish people was thus degraded into the class of *peregrini dediticii*. The importance of the question lies in another: Were the Jewish communities after 70 A.D. no more than voluntary religious associations, legally on the same footing with the innumerable *collegia* for one purpose or another which the law recognized and regulated? On this point also Juster differs from Mommsen, holding that they were in the eye of the law local communities of the Jewish people and their synagogues local seats of the worship of the national God.

There is much else of varied interest in these volumes which can not here be detailed; it must suffice to mention in conclusion a chapter on Jewish names, and the chapter on the economic situation of the Jews—occupations, wealth, and the like—and the influence of the laws on this situation.

In the preface the author announces the preparation of a volume of indexes, which are necessary to make fully available the wealth of learning accumulated in this remarkable work and the publication of which will add to the debt of gratitude scholars already owe him.

GEORGE FOOT MOORE.

The Evolution of Early Christianity: a Genetic Study of First-Century Christianity in Relation to its Religious Environment. By SHIRLEY JACKSON CASE, of the Department of New Testament and Early Christian Literature, University of Chicago. (Chicago: The University of Chicago Press. 1914. Pp. ix, 385.)

WHILE religion has long been seen in the light of historical evolution, the interconnection of early Christianity and other religious currents has rather recently become a matter of serious discussion. After the interesting contributions of French scholars like Havet and Boissier, the topic lapsed somewhat until the wealth of knowledge accumulated by classical philologists and students of comparative religion constrained theologians, particularly in Germany, to engage in the debate. One result is that enterprising young adherents of a *Religionsgeschichtliche Schule* not only interpret the development of Christian worship and practice by reference to analogies in pagan religion but even begin to essay a modern reconstruction of the form and statement of Christian doctrine to correspond with the new view of origins. These efforts to see the beginnings of Christianity in relation to a general religious environment have been somewhat groping and confined to details, while the new American contribution now made by Professor Case of Chicago deserts all piecemeal discussion for a broad statement of Christian origins as "the enrichment of experience and the evolution of ideas and practices under the influence of contemporary religions" (p. 34). The point at issue is clearly put: "The primary activity which called the Christian movement into existence was not the *ab extra* insertion of some other-worldly quantity of ritual, doctrine, or ethical instruction into the realm of human experience, but an outburst of spiritual energy on the part of Jesus and his followers striving after new and richer religious attainments under the stimuli of a new and more suggestive environment." "These attainments must be estimated in terms of various individuals' response to their religious environment, their direct reaction upon their own peculiar world, and their personal conquests in the realm of spiritual experience." Dr. Case does not limit attention therefore to incidental analogies between Christian and other religious expressions or determine the possibility of the specific influence of cult upon cult. He shows the total